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ECOSWIRE

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ECOS Wraps up Wide-Ranging Spring Meeting, Welcomes New Members

ECOS wrapped up an engaging Spring Meeting last week in Crystal City, Virginia attended by 44 state environmental agencies and 235 participants. Highlights of the gathering on *Partnership in Action* included an orientation session for the many new ECOS members, as well as roundtables moderated by state environmental agency leaders on matters ranging from stormwater and nutrients and permitting and digital strategy to recycling and renewables. Attendees also heard keynotes on collaboration by U.S. EPA Administrator Andrew Wheeler, Senate Environment & Public Works Ranking Member Tom Carper (D-DE), and Canadian Embassy Minister for Political Affairs Martin Loken.

ECOS expresses our sincere thanks to all 55 speakers for making the time to share their insights. Thank you also to the [sponsors](#) whose support helped make the meeting possible.

We look forward to welcoming you to our two remaining meetings for the year – the July 10 State Environmental Protection (STEP) Meeting in Washington, DC on the ways in which technology is transforming environmental protection, and the September 24-26 Fall Meeting in Seattle, Washington.

For more information on the Spring Meeting, see the ECOS webpage [ECOS webpage](#), complete with session materials and a list of participants, and the [ECOS Twitter feed](#), and read on! [Parisien]



ECOS Secretary-Treasurer Patrick McDonnell (PA) leads a breakout session on improv. Todd Keogh (AR), Macy (NE).



Three of the ECOS Officers. Left to Right: Past President Parfitt (WY), President Becky and Vice President Jim

Spring Meeting Spotlighted in the News

Linked with Permission of Inside Washington Publishers:

[States, Environmentalists Back 'Alternative Compliance' in Methane Rules](#)
[Wheeler Faults States' Criticism of EPA's PFAS Action Plan as 'Inaccurate'](#)
[EPA Agrees to Weigh State Requests to Align Audit Policy but Doubts Need](#)
[Trump Slated to Order EPA to Limit States' Review Power under CWA 401](#)
[States Press 'Improvements' as Trump Readies EO to Speed CWA Permits](#)

Linked with Permission of E&E News:

[Agency Advances Reorganization, Drinking Water Rule Plans](#)

Carper: 'Sometimes States Just Need Some Help – EPA's Help'

Linked on Politico's Public Site:

EPA Working on Permitting 'Expectations' Policy for States

(to view article, scroll down to Around the Agencies) [Parisien]



*U.S. EPA Administrator Wheeler and
ECOS President Becky Keogh (AR).*

Members Take Action on Eight Resolutions on an Array of Policy Matters

Members voted at the meeting to renew or revise eight resolutions covering issues from sustainable materials management to implementation of business process improvement techniques. Among other matters, the resolutions address budget issues including wastewater and clean water infrastructure needs, funding under the U.S. Department of Energy for cleanup of the nuclear weapons complex, and various priorities and needs for federal financing for state environmental programs.

The newly approved resolutions and all current ECOS resolutions are available [here](#).
[Hanson]

Executive Committee Establishes Ad Hoc Committee on Administration

At its Spring Meeting session, the ECOS Executive Committee established an Ad Hoc Committee on Administration with the primary charge of reviewing the ECOS bylaws and organizational structure. ECOS Secretary-Treasurer Patrick McDonnell of Pennsylvania was named Chair of the committee, which aims to propose any recommended changes to the membership in time for their consideration and adoption at the Annual Meeting in Seattle in September. McDonnell encourages members to join the committee to help in this important work. Please let him know of your interest by sending an email to him [here](#).
[Welsh]

ECOS SGC & EDF Unveil Framework to Promote Innovative Methane Technologies

Also at the Spring Meeting, the ECOS Shale Gas Caucus and Environmental Defense Fund unveiled their April 2019 report, [Pathways for Alternative Compliance](#), identifying opportunities to update methane regulations to advance innovation in leak detection. The assessment of regulatory policies and practices from six states and U.S. EPA reveals strong agreement among environmentalists, regulators, innovators, and operators about the need for improved compliance pathways.

The report notes that the lack of a pathway for approval of new methods for leak detection and repair is the single biggest barrier to investing in and deploying new solutions. It recommends three key steps that state environmental regulators to take to encourage innovation using regulations for methane leak detection and repair:

- Adopt a shared model for equivalency. Methane rules as written prescribe steps for monitoring, instead of outcomes. Innovators would benefit from a manageable numerical model to calculate impact.
- Create a transparent and rapid process. Innovators need to demonstrate technologies in real-world conditions to gain the confidence of operators and service providers. Developing these solutions is expensive and complicated, and innovators and companies need rapid feedback about what works and what is approvable.

- Develop approvals with powerful benefits. Approvals that increase access to new markets would further incentivize innovation and adoption by more companies. Currently, approvals do not translate across state lines.

For more information on the recommendations or the Shale Gas Caucus, contact [Lia Parisien](#) of ECOS. [Parisien]

Participants Explore Ways to Tackle PFAS

PFAS, a hot button issue for many state environmental agencies, figured prominently in discussions at the Spring Meeting. On April 4, ECOS and state media associations (ACWA, ASDWA, and ASTSWMO) sent EPA Administrator Wheeler a [joint letter](#), which he referenced during his April 8 luncheon keynote address. The state associations note the importance of going beyond PFOA and PFOS in the agency's regulatory determinations, urges the agency to continue to use Toxic Substances Control Act and other statutes to swiftly meet its Action Plan deadlines, and encourages EPA to continue working with states and the associations to meet its goals.

During a Spring Meeting session on PFAS perspectives and activities, Marty Suuberg of Massachusetts and Catherine McCabe of New Jersey reported on their recent efforts to develop and implement enforceable standards for several PFAS compounds. U.S. EPA's Jennifer McClain spoke on efforts outlined in the agency's PFAS Action Plan, and the U.S. Department of Defense's Maureen Sullivan highlighted the increasing attention of Congress to the issue. Session participants emphasized the importance of collaboration, especially in regards to risk communication and data availability.

ECOS, which is coordinating with states on several PFAS initiatives, plans to soon establish guidance on how states set regulatory standards. For more information on PFAS, see [here](#) or contact [Sarah Grace Longworth](#) of ECOS. [Longworth]



Panelists discuss the latest efforts on PFAS.

*Left to right: Catherine McCabe (NJ), Jennifer McLain (EPA),
Maureen Sullivan (DOD), Marty Suuberg (MA).*

Carper Remarks on Cooperative Federalism Ahead of Executive Order on CWA 401

In advance of last week's Presidential Executive Order on Promoting Energy Infrastructure and Economic Growth, Spring Meeting keynote speaker Tom Carper (D-DE) expressed concerns on April 9 that the Administration might take action to limit states' authority under Clean Water Act Section 401. That section authorizes a water quality certification process by which states can review federal agencies' permitting decisions to ensure that permitted activities do not lead to violations of a water quality standard. Carper said that to limit that state power would cause "serious harm to the division of state and federal authorities established under the constitution."

The Executive Order directs EPA to review existing regulations and guidance and coordinate with states, tribes, and relevant federal agencies to issue within 60 days new guidance for federal permitting agencies and state and tribal authorities. It also directs EPA to initiate a rulemaking process to clarify Section 401 to allow for efficient permitting processes and increased regulatory certainty within 120 days. The current guidance is available [here](#).

EPA this week held an outreach [webinar](#) for states and tribes, and will conduct an additional webinar in May. The agency is accepting pre-proposal recommendations in an administrative docket (EPA-HQ-OW-2018-0855) [here](#).

ECOS is gathering state perspectives on this issue. Please submit any information from your state to [Layne Piper](#) via email or at 202/266-4928. [Piper]



Senator Carper delivers luncheon keynote.

Meeting Explores Alignment of Environmental and Energy Agencies

The Spring Meeting looked at the increasing nexus of environmental and energy issues prompting some state environment and energy agencies to integrate or collaborate more closely. Among states that have merged either entire agencies or departments/cabinets, or announced plans to do so, are Missouri, Oklahoma, Nebraska, Connecticut, Arkansas, and Michigan.

At the meeting, Liesl Clark, Director of Michigan's Department of Environmental Quality, noted that on April 22 her agency will become the Michigan Department of Environment, Great Lakes, and Energy, a change that she expects to create efficiencies and make the state more responsive to challenges. During that discussion, states with previous experiences in integrating environment and energy agencies affirmed their ability to better collaborate and deal with large-scale issues, permitting, and enforcement. [Longworth]



Liesl Clark (MI) leads a discussion on energy and environment agencies, as well as recycling priorities, alongside Barry Breen (EPA) and Heidi Sanborn (National Stewardship Action Council).

Speakers Reflect on Shifting Recycling Priorities

Also a focus of the Spring Meeting was plastics recycling, a key challenge facing states, producers, and other stakeholders. U.S. EPA Administrator Wheeler noted in his luncheon keynote address at the ECOS Spring Meeting that the ban on plastic exports to China and a lack of infrastructure to handle the waste in the U.S. has placed a large burden on states and federal partners to devise strategies for keeping plastic out of oceans.

During a subsequent roundtable on recycling priorities, Heidi Sanborn of the National Stewardship Action Council said the issue of accumulating plastic lies not with China but with us. She noted the importance of shifting responsibility to manufacturers to install infrastructure to deal with the waste they produce. Similarly, Barry Breen of U.S. EPA's Office of Land and Emergency Management noted efforts by the agency to work with stakeholders to improve recycling education and outreach, infrastructure, secondary markets, and measurement. This increased attention to materials management will enable states to more effectively respond to growing waste reduction needs, the participants agreed. [Longworth]

ECOS Members Sign onto Federal Food Waste Initiative

At the ECOS Spring Meeting, ECOS members had a chance to sign onto a pledge to reduce food waste under an April 9 initiative announced by leaders of U.S. EPA, USDA, and FDA. The [plan](#), unveiled as part of the Administration's Winning on Reducing Food Waste initiative, outlines six key areas in which to address the nation's food waste over the next year:

- Enhance Interagency Coordination
- Increase Consumer Education and Outreach Efforts
- Improve Coordination and Guidance on Food Loss and Waste Measurement
- Clarify and Communicate Information on Food Safety, Food Date Labels, and Food Donations
- Collaborate with Private Industry to Reduce Food Loss and Waste Across the Supply Chain
- Encourage Food Waste Reduction by Federal Agencies in their Respective Facilities

The event also brought together state and local leaders to sign onto the pledge and exchange information about their efforts to reduce food waste.

For more information, see [here](#). [MacCartney]



State News You Can Use

[Virginia Seeks Proposals for Environmental Justice Study](#)

Vermont Receives U.S. EPA Funding for Food Waste
Management Projects

Massachusetts Hosts U.S. EPA Scientists for Discussions
of PFAS and More

DC Marks 10 Years of Sustainability Awards

ECOS Member News



**Putnam to Succeed Rudolph in Colorado's Top
Environment Post**

John Putnam, Chair of the Denver-based Regional Air Quality Council, will assume the top environmental health role in Colorado starting May 6. As the Director of Environmental Programs at the Colorado Department of Public Health and Environment, Putnam will serve as a Senior Advisor to Executive Director Jill Hunsaker Ryan and oversee implementation of the federal Clean Air Act, Clean Water Act, and the mitigation of hazardous materials, among other areas. Putnam is an environmental attorney with more than 25 years of experience, most recently as managing partner of Kaplan Kirsch & Rockwell, LLP.

"After a nationwide search of top environmental professionals, we are so fortunate to have John come on board. With John at the helm of environmental programs, the state will lead on reversing the consequences of climate change, and work to get the Front Range swiftly into ozone compliance," said Ryan. "Governor Polis has asked us to take bold action to ensure that every Coloradan has clean air to breathe and a healthy environment to live in and enjoy, and we intend to do just that."

Putnam succeeds Martha Rudolph, a former ECOS President who retired in January. [Parisien]

Need-to-Know News in Funding, Water, & PFAS

Senate Appropriations Comments on U.S. EPA FY20 Budget Due May 17

Area of Focus: Agency Management and Budget

The U.S. Senate Appropriations Committee's Subcommittee on Interior, Environment, and Related Agencies is accepting written testimony on U.S. EPA's Fiscal Year 2020 budget until **May 17 COB**. ECOS will submit comments (see our U.S. House of Representatives [comment letter](#)), and states are encouraged to submit testimony (please consult the committee's [submission guidelines](#)). [McAleer]

U.S. EPA Issues Interpretation on NPDES Coverage

Area of Focus: Water

This week, U.S. EPA issued an Interpretive Statement of the Clean Water Act National Pollutant Discharge Elimination System Program to Releases of Pollutants from a Point Source to Groundwater. In the statement, EPA determines that the Clean Water Act is “best read as excluding all releases of pollutants from a point source to groundwater from NPDES program coverage, regardless of a hydrologic connection between groundwater and jurisdictional surface water.”

The agency will accept comment for 45 days after the statement is published in the *Federal Register*. [Piper]

U.S. EPA Releases PFAS Chemical Library for States

Area of Focus: Chemicals and Emerging Contaminants

U.S. EPA's Office of Research and Development (ORD) this month released its PFAS chemical library for states. The library, a collection of 430 PFAS, serves as a guide for hazard testing, development of analytical methods, and exposure monitoring, and will aid EPA researchers in developing a risk-based approach to test PFAS using new approach methods.

ORD's National Center for Computational Toxicology will coordinate shipping of the library to interested state partners at no charge. For more information on the library and how to obtain a copy, see here. [Longworth]

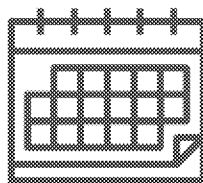
Career Opportunities

Massachusetts Seeks Stormwater Coordinator

The Massachusetts Department of Environmental Protection seeks a Stormwater

Coordinator (Environmental Analyst IV) to coordinate stormwater-related activities within the department's Surface Water Discharge/NPDES Program, including permit review and comment, outreach, and technical assistance.

See the position description [here](#). [Parisien]



Upcoming Events

ECOS and U.S. EPA on FY 20-21 National Program Guidance

U.S. EPA has released its draft Fiscal Year 2020-2021 [National Program Guidance](#) (NPG) documents, and is accepting public comment on them until **May 3**. ECOS is in the midst of a series of calls for state officials and association staff to help them provide input. Senior U.S. EPA program staff will review the various goals and measures in the two-year strategic planning documents, explain major changes from the FY18-19 cycle, and give states an opportunity to ask questions. The timing of ECOS' NPG calls is as follows:

- Office of Air and Radiation: **April 24 at 2-3 p.m. Eastern**
- Office of Land and Emergency Management: **April 24 at 3-4 p.m. Eastern**
- Office of Enforcement and Compliance Assistance: **April 25 at 1-2 p.m. Eastern**
(note: this time is changed from that published in the last issue of *ECOSWIRE*)

States are encouraged to submit public comments on the NPG – either independently using EPA's template, or through ECOS, by contacting [Owen McAleer](#) of ECOS by **April 26 COB**. [McAleer]

ITRC Training on Geospatial Analysis for Optimization at Environmental Sites

The Interstate Technology & Regulatory Council will hold a training course on Geospatial Analysis for Optimization at Environmental Sites on **April 25 at 1-3:15 p.m. Eastern**.

Optimization activities using geospatial analysis can improve performance, increase monitoring efficiency, and support contaminated site decisions. Unlike traditional statistical analysis, geospatial methods incorporate the spatial and temporal dependence between nearby data points, which is an important feature of almost all data collected as part of an environmental investigation. After attending this training, participants will be able to evaluate available data and site needs to determine if geospatial analyses are appropriate for a given site; select appropriate geospatial method(s) and software using the geospatial analysis workflow, tables, and flow charts in the guidance document; and explain what the results mean for decision-making.

Learn more and register [here](#). [Olonoff]

ASTHO on Federal Initiatives to Address PFAS

The Association of State and Territorial Health Officials (ASTHO) will host a webinar **April 25 at 3-4 p.m. Eastern** to highlight U.S. EPA and CDC/ATSDR public health initiatives to address environmental PFAS contamination. EPA will discuss the agency's PFAS Action Plan, as well as ongoing research to assist public health officials. CDC/ATSDR will share resources to help public health officials address PFAS contamination and describe ongoing and future efforts to assess human exposure.

[Register here](#). [Longsworth]

ITRC on Connecting the Science to Managing LNAPL Sites

ITRC will hold the first in a three-part online training course on Connecting the Science to Managing LNAPL Sites on **May 2 at 1-3:15 p.m. Eastern**.

The newly updated Light Non-Aqueous Phase Liquids (LNAPLs) three-part training course series is based on the ITRC guidance LNAPL Site Management: LCSM Evolution,

Decision Process, and Remedial Technologies. Part 1: Understanding LNAPL Behavior in the Subsurface will teach participants how LNAPLs behave in the subsurface and examine what controls their behavior. This training will explain what LNAPL data can tell you about the LNAPL and site conditions, and cover how that information is applied to the development of an LNAPL conceptual site model (Part 2) and LNAPL technology selection (Part 3).

Learn more and register [here](#). [Olonoff]

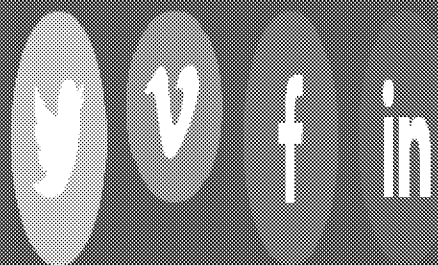
ITRC Invites States to Attend Free Training Classes on Managing PFAS Contamination

ITRC invites state environmental agency representatives and others to attend in-person PFAS training classes in **St. Louis, Missouri on May 10**, and **Raleigh, North Carolina on June 21**.

Taught by environmental experts, the classes will focus on PFAS regulations, site characterization, risk assessment, treatment technologies, and more. The classes are free for state and federal regulators and many others.

Travel scholarships are available for state staff traveling more than 50 miles. Please contact [Tadbir Singh](#) for more information.

Learn more and register [here](#). [Olonoff]



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